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TO RUEHC/SECSTATE WASHDC IMMEDIATE 4161
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEHAR/AMEMBASSY ACCRA 2687
RUEHDS/AMEMBASSY ADDIS ABABA 2808
RUEHRL/AMEMBASSY BERLIN 1272
RUEHBY/AMEMBASSY CANBERRA 2076
RUEHDK/AMEMBASSY DAKAR 2432
RUEHKM/AMEMBASSY KAMPALA 2856
RUEHNR/AMEMBASSY NAIROBI 5285
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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000207

SIPDIS

AF/S FOR B. WALCH
DRL FOR N. WILETT
ADDIS ABABA FOR USAU
ADDIS ABABA FOR ACSS
STATE PASS TO USAID FOR J. HARMON AND L. DOBBINS
STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR MICHELLE GAVIN

E.O. 12958: DECL: 03/11/2019
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [EAGR](#) [ZI](#)
SUBJECT: ZANU-PF ORCHESTRATES RENEWED LAND GRABS

Classified By: Ambassador James D. McGee for reason 1.4 (d)

SUMMARY

11. (C) On March 5, poloff met with Trevor Gifford, president of the Commercial Farmer's Union in Zimbabwe. According to Gifford, a recent upsurge in farm invasions that began in February is being orchestrated by Attorney General Tomana, President Mugabe, and the Zimbabwean High Court. Gifford noted that the High Court had ruled on March 4, that the judgment of the SADC Tribunal upholding the property rights of white farmers had no legal effect in Zimbabwe, and ZANU-PF was attempting to fast-track land seizures before the MDC can halt the land-reform process. Prime Minister Tsvangirai is attempting to press ZANU-PF to halt farm invasions and maintain the rule of law, but he has been unsuccessful to date. END SUMMARY.

Tomana Orchestrating New Rash of Land Grabs

12. (C) Trevor Gifford, the president of the Commercial Farmer's Union, met with poloff on March 5 and explained that the increase in farm invasions beginning in early February on many of the estimated remaining 400 to 600 white-owned commercial farms was primarily due to Attorney General Johannes Tomana. Gifford provided us with an internal memo from a February 6, meeting between Tomana, Chief Magistrate Mandeya, and Permanent Secretary Mangota of the Ministry of Justice. The memo includes clear instructions from Tomana directing Mandeya, Mangota, and their departments to disregard the SADC Tribunal ruling as it was not legally binding on Zimbabwe, and that lands officers and law enforcement agencies must "do everything in their power to assist in the eviction of former commercial farmers who are refusing to vacate gazetted farms." Tomana argued in the memo that the SADC Tribunal ruling in November 2008 was not binding because the treaty had not been ratified by

Parliament.

Was SADC Treaty Ratified or Not?

¶3. (C) Gifford pointed out that Tomana's argument was in fact incorrect, and the treaty had been ratified in 1992. What had not occurred was the "domestication" of the treaty, which he explained was a technical undertaking that should have been executed by either the Minister of Justice or the Attorney General at the time. Zimbabwean High Court Judge Anne-Mary Gowora --herself a farm recipient-- had relied on this inconsistency in her March 4, 2009 ruling that the SADC judgment had no legal effect in Zimbabwe.

Meanwhile Mugabe Fans the Flames

¶4. (C) Inflammatory statements by President Mugabe at his birthday celebration on February 28, in which he declared his support for continued farm seizures, have encouraged additional claims. At the birthday bash, Mugabe declared, "additional claims. At the birthday bash, Mugabe declared, "land reform will continue," and "the few remaining white farmers should quickly vacate their farms as they have no place there."

¶5. (C) The combination of Tomana's directive and Mugabe's speech has resulted in the occupation of or the threat to

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invade 75 white-owned farms in the past month, while 140 cases against white farmers who have failed to heed eviction notices are being fast-tracked in the courts.

¶6. (C) In one high-profile case, Senate President Edna Madzongwe showed up last week at a farm brandishing a copy of the state-owned newspaper, the Herald, which was dismissive of the SADC Tribunal ruling. Madzongwe was backed by 20 supporters and demanded that the owners leave the property and cease all work at the farm immediately. Gifford explained that the upsurge in seizures and harassment was indicative of a ZANU-PF attempt to expedite as many cases as possible before PM Tsvangirai and his team could stop them.

¶7. (C) Another illustrative farm invasion occurred on February 12, at the Rockwood Village farm in Mashonaland Central managed by Adrian Joscelyne. According to a transcript provided to Gifford, former Manicaland Governor Martin Dinha arrived at the farm with three vehicles filled with supporters and informed Joscelyne that he was to vacate the property in 24 hours because the farm was to be used as a national heritage site. Dinha told Joscelyne that the government supported the takeover of the farm as justifiable because the owner had sought protection from SADC. Dinha did not have any paperwork to support his claims, merely saying that as a governor, he could make the decision by himself. He ordered his men to make an inventory of all the equipment on the farm, as well as belongings in the house, to ensure nothing was removed. Joscelyne packed a truck and left the farm.

Tsvangirai Pressing for Progress

¶8. (C) In PM Tsvangirai's address to Parliament on March 4, he confirmed that government would conduct a land audit to ascertain who owned various farms, and eliminate the practice of multiple farm ownership. He also appealed for international help to establish a compensation board for displaced farmers. Our contacts within the MDC have told us that Tsvangirai has had multiple meetings with Mugabe and received assurances that the farm invasions would

stop--apparently with little effect so far.

COMMENT

19. (C) The upsurge since early February in farm invasions, eviction notices, and prosecutions, is an indicator of the deeply flawed and corrupt state of the rule of law in Zimbabwe. Many of the recent victims were plaintiffs in the successful SADC Tribunal case, and are now suffering reprisals for challenging the State's land policy. While the MDC has achieved gains in securing the release of some political prisoners and paying civil servants, there has been no progress in protecting property rights. This will continue to deter the large-scale private investment necessary to turn around the Zimbabwean economy. END COMMENT.

MCCEE